UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

FILED
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CLERK, U.S. DISTRICT COURT
RICHMOND, VA

NICOLE ZEVGOLIS,

Plaintiff,

v. Civil Action No. 3:10CV625

GREENBERG LAW FIRM
PROFESSIONAL CORPORATION,

Serve:
RICHARD L. GREENBERG
REGISTERED AGENT FOR GREENBERG LAW FIRM
PROFESSIONAL CORPORATION
305 WEST CAMPBELL AVENUE
ROANOKE, VIRGINIA 24016

Defendant.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (hereinafter "FDCPA") which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d), 28 U.S.C. §1337. Venue in this District is proper in that the defendant transacted business in this state and the plaintiff chooses to bring this action here.

III. PARTIES

3. Plaintiff, Nicole Zevgolis, is a natural person residing in Hopewell Virginia.

4. Defendant, Greenberg Law Firm Professional Corporation ("Greenberg") is a corporation engaged in the business of collecting debts in this state with its principal place of business located in Roanoke, Virginia. One of the principal purposes of Greenberg is the collection of debts using the mails and telephone and it regularly attempts to collect debts alleged to be due another.

5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

6. In 2006 the Plaintiff had a personal credit card account with Bank of America.

7. Plaintiff made her last payment on said credit card in May of 2006 as indicated on her credit report. See **EXHIBIT A.**

8. Bank of America has assigned the debt to the H & S Financial, Inc who is represented by Defendant, Greenberg.

9. On March 30, 2009, Defendant Greenberg filed a Warrant in Debt for Plaintiff's alleged debt posting it at an address where Plaintiff no longer lived. See **EXHIBIT B**. Defendant did not use the correct address for Plaintiff so Plaintiff did not receive the Warrant in Debt.

10. In April 2010, the Defendant filed a Summons to Answer Interrogatories using the same incorrect address for Plaintiff. See **EXHIBIT C**. This time the person

who lived at the address where the Summons was posted brought the Summons to the Plaintiff and this was the first communication about this debt provided to Plaintiff. Plaintiff appeared at the return date of June 2, 2010 to answer the Interrogatories.

11. Plaintiff was not provided with notice of any debt collection activity until she received the Summons to Answer Interrogatories in May 2010.

12. After receiving the Summons and Answer to Interrogatories on May 6, 2010, Plaintiff sent a letter, which provided her correct address, to Defendant requesting written verification of the alleged debt. See **EXHIBIT D**. Plaintiff did not receive anything in response to this verification request from Defendant, yet Defendant continued its collection activity when it interrogated her on June 2, 2010 at the Interrogatory hearing.

13. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA in multiple ways, including but not limited to:

a) Failing to provide the validation notices required by the FDCPA at the time of initial communication, or in writing within five days thereafter. §1692g(a);

b) Failing to disclose in the initial communications with the Plaintiff, i.e. the Summons to Answer Interrogatories, that the communication is an attempt to collect a debt. §1692e(11);

c) Continuing collection activities after receiving a written dispute that Plaintiff owed the debt, and a written request for verification before it verified the debt. §1692g(b).

V. FIRST CLAIM FOR RELIEF

14. Plaintiff repeats and realleges and incorporates by reference the preceding paragraphs

15. Defendant violated the FDCPA as noted above.

16. As a result of the above violations of the FDCPA, the defendant is liable to the Plaintiff for Plaintiff's statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the defendant for the following:

A. Statutory damages pursuant to 15 U.S.C. §1692k.

B. Costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k.

C. For such other and further relief as may be just and proper.

DEMAND FOR JURY TRIAL

Respectfully submitted,

NICOLE ZEVGOLIS

By ______________________
Counsel for Plaintiff

John Cole Gayle, Jr.
VSB No. 018833
The Consumer Law Group, P.C.
5905 West Broad Street, Suite 303
Richmond, Virginia 23230
(804) 282-7900
(804) 673-0316 fax
jgayle@theconsumerlawgroup.com

Counsel for Plaintiff